IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

MFA.No. 678 of 1998(B)

OPMV.604/1992 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THRISSUR
.....

APPELLANT/PETITIONER:

BABU RAJ, S/O MALATHI AMMA, KARARIKAL
KARAMATTIL HOUSE, PANGAMUKKU PRADESOM,
KATTAKAMBAL P.O., THALAPPILLY TALUK.

BY ADV. SRI.V.V.NANDAGOPAL NAMBIAR

RESPONDENTS/RESPONDENTS:

1. N.N.RATNAKARA PAI, S/O NARAYANAN
PAI (RASABHINDU), KUZHIPILLY DESOM,
IAAMPILLY P.O.

2. E.K.AJITH, S/O E.K.KRISHNAN, 10/1124,
AMARAVATHI, FORT KOCHI.

3. THE NEW INDIA ASSURANCE CO. LTD.,
MATTANCHERRY, KOCHI - 2.

R1 BY ADV. SRI.G.SREEKUMAR (CHELUR)
R3 BY ADV. SRI.A.C.DEVY

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.Koshy & K.P.Balachandran, JJ.

M.F.A.No. 678 of 1998

JUDGMENT

Koshy, J.

The appellant/claimant met with a motor accident, by which he suffered serious injuries. The Tribunal found that the accident occurred due to the negligence of the driver of the vehicle insured by the third respondent Insurance Company. Against a claim of Rs.2,20,000/-, the Tribunal has granted only Rs.93,150/- with interest. His contention is that he suffered 15% disability as could be seen from Exhibit A5 certificate. The Tribunal did not calculate the compensation on multiplier method. He was aged 28 at the time of the accident and therefore, he is entitled to get compensation taking 18 as the multiplier and taking his monthly income. He was a Lower Division Clerk in N.S.S. College. There is no case that he lost his employment due to the injuries suffered in the accident. Therefore, compensation cannot be

calculated on a multiplier method. For disability and loss of amenities in life the Tribunal awarded Rs.40,000/- and that cannot be found fault with, as he has to continue with the difficulties through out his life. No interference is required in the calculation. Another point urged by him is that even though he produced medical bills for Rs.35,000/-, the Tribunal has granted only Rs.22,150/-. Considering the medical bills, we grant Rs.7,500/- more on that count. No enhancement is needed for the compensation granted on other heads. The above amount of Rs.7,500/- is directed to be deposited by the third respondent Insurance Company with 8% interest from the date of application till its deposit.

The appeal is allowed in part.

(J.B.Koshy, Judge)

31st July, 2007

(K.P.Balachandran, Judge)

tkv

J.B.Koshy & K.P.Balachandran, JJ.

M.F.A.No.678 of 1998

JUDGMENT

31st July, 2007